

REMARKS

The Application has been carefully reviewed in light of the Office Action dated March 26, 2003 (Paper No. 14). Claims 1 to 5, 7 to 11 and 14 to 24 are in the application. Claim 17 is being amended and Claims 20 to 24 are being added, herein. Claims 1, 11, 14, 18 and 19 are the independent claims herein. Reconsideration and further examination are respectfully requested.

By the Office Action, Claims 1 to 5, 7 to 11 and 14 to 19 were rejected under 35 U.S.C. § 103(a) over Hewlett-Packard Company's HP JetSend Communications Technology, Section I: Architectural Overview (HP). The rejection is respectfully traversed.

The present invention involves negotiation between two devices such as an image output device and an image input device, so as to transfer image data between the devices, and so as to negotiate whether exportable image processing functionality on one device should be exported to the other device so as to increase overall image transfer efficiency.

Turning to the language of the claims, Claim 1 defines a method for negotiating an exchange of image processing functionality between first and second devices over a bi-directional communication link. A function description is communicated between the first and second devices, the function description including information concerning functionality available in the first or second devices. An assignment of image processing functionality is negotiated between the first and second devices, with the overall image processing functionality effecting an image transfer between the first and second

devices. Program code is transferred that implements image processing functionality between the first and second devices in a case where the negotiated assignment indicates that functionality in one of the first and second devices is needed by the other of the first and second devices, wherein the program code is executed by the other of the devices.

At page 3, Office Action indicates that HP discloses transferring device code that implements image processing functionality between the first and second devices, and cites page 2, lines 29 to 35 in support thereof. However, page 2 does not have lines 29 to 35.¹

After review of the HP reference, Applicant was unable to locate a portion of the HP reference which the Examiner may have intended to cite. In fact, Applicant was unable to locate a portion of HP that in any way describes transferring device code. Reference is respectfully made to the description of device code in section 2.4.4 of HP beginning at page 11, line 33, and to Figure 2-3 at page 10 of HP, which fails to in any way suggest the transfer of program code, or even device code for that matter. In addition and beginning at page 12, line 4, HP states the:

“[t]he device code is the very device-specific implementation of the component that interacts between the JetSend protocols and the actions of the devices.”

Further and at line 17 of page 12, HP is seen to indicate that each device is responsible for producing the encodings that it offers, and that the device code is responsible for the production of the encodings.

^{1/} Should the Examiner maintain her rejection, Applicant respectfully requests the Examiner to provide further clarification of the rejection.

Accordingly, HP is not seen to in any way describe transferring device code, and is certainly not seen to disclose transferring program code that implements image processing functionality. Rather, HP is seen to describe that each device uses its own code for implementing its own functionality, and there is no transfer between devices of image processing functionality in the form of program code.

The remaining portions of the HP reference are merely seen to describe the device-to-device communications protocols for negotiating a common data type for exchanging image data, wherein each device offers a data type that is supported by the pre-existing image processing capabilities of the device. Nothing in the cited portions of HP is seen to disclose or to suggest transferring program code that implements image processing functionality between devices.

Therefore, for at least the foregoing reasons, Claim 1 is believed to be in condition for allowance. Further, Applicants submit that Claims 11, 14, 18 and 19 are believed to be in condition for allowance for at least the same reasons.

New Claims 20 to 24 include the feature of assigning image processing functionality based on a cost analysis, which is based at least in part on a cost of transferring the program code that implements image processing functionality, which is not seen to be disclosed or suggested by the HP reference.

In this regard, the Office Action cites page 6, lines 27 to 42 of the HP reference as applying a cost function. However, the cited portion of HP is merely seen to provide a data structure for storing a description of encoding choices. Nothing in the cited portion is seen to disclose a cost function, or cost analysis. Further, nothing in the cited

portion is seen to disclose a cost analysis that is based at least in part on a cost of transferring program code that implements image processing functionality.

The remaining claims are each dependent from the independent claims discussed above and are therefore believed patentable for the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

In view of the foregoing, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Attorney for Applicants

Registration No. 39,000

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-2200
Facsimile: (212) 218-2200



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Amendments in a Revised Format Now Permitted

Office of Patent Legal Administration << Pre-OG Notices << << Amendments in a Revised Format Now Permitted

The United States Patent and Trademark Office (USPTO or Office) is permitting applicants to submit amendments in a revised format as set forth herein. The revised amendment format is essentially the same as the amendment format that the Office is considering adopting via a revision to 37 CFR 1.121 (Manner of Making Amendments). The revision to 37 CFR 1.121 (if adopted) will simplify amendment submission and improve file management. The Office plans to adopt such a revision to 37 CFR 1.121 by July of 2003, at which point compliance with revised 37 CFR 1.121 will be mandatory.

The revised amendment format is an expansion of the special amendment process instituted for a prototype Electronic File Wrapper program described in USPTO ANNOUNCES PROTOTYPE OF IMAGE PROCESSING, 1265 Off. Gaz. Pat. Office 87 (Dec. 17, 2002) ("Prototype Announcement"). The special amendment process (which was limited to claims) has proven overwhelmingly acceptable to applicants participating in the prototype and beneficial to examiners. The revised amendment format provides for amendments to be made to the specification and the drawings in addition to the claims.

Effective immediately, all applicants, including applicants participating in the prototype, may submit amendments using the revised amendment format set forth herein. Applicants may wish to submit all amendments in the revised amendment format because: (1) it will facilitate transition to a revised amendment format when it becomes mandatory, (2) inconsistent versions of claim amendments (clean and marked-up) will be avoided, and (3) time and resources will be saved.

WAIVER of 37 CFR 1.121

The provisions of 37 CFR 1.121(a), (b), (c) and (d) are waived for amendments to the **claims, specification, and drawings** in all applications in all Technology Centers where the amendments comply with the revised amendment format detailed below. Note: The revised amendment format (and the waiver) does **not** apply to 37 CFR 1.121(h) and (i) which indicate that amendments to reissue applications and reexamination proceedings are governed by 37 CFR 1.173 for reissue applications and 37 CFR 1.530 (d)-(k) for *ex parte* and *inter partes* reexaminations.

In addition, the WAIVER indicated in the above mentioned Prototype Announcement for the limited (claims only) amendment process of that prototype is also expressly continued and amendments in applications (other than reissue applications) in all Technology Centers that comply with the requirements in that announcement will be acceptable.

REVISED AMENDMENT FORMAT

I. Begin Sections on Separate Sheets:

Each section of an amendment paper (e.g., Amendments to the Specification, Amendments to the Claims, Remarks) shall begin on a separate sheet to facilitate separate indexing and electronic scanning of the document.

For example, each of the following four sections of an amendment paper must start on a separate sheet:

- a.) Introductory Comments
- b.) Amendments to the Specification

- c.) Amendments to the Claims
- d.) Remarks

II. Submit Only One Version (with markings) of an Amended Part:

The requirement to provide two versions of a replacement paragraph, section, or claim (a clean version and a marked up version), as set forth in current 37 CFR 1.121, is waived where the format set forth below is followed.

III. Amendments to the Claims

A. A Complete Listing of Claims is Always Required:

If an amendment adds, changes or deletes any claim, a detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remains under examination in the application, must be presented, and the amendment to the claims is expressed in the listing. The listing shall be presented as follows:

1. Ascending Order and Status Identifier Required

The listing shall be provided in sequential ascending numerical order (beginning with claim 1). A status identifier shall be provided for every claim in a parenthetical expression following the claim number (e.g., "Claim 1. (original)"). A list of acceptable status identifiers is set forth in part B, below. The text of all claims under examination shall be submitted each time any claim is amended. Cancelled and withdrawn claims should be indicated by only the claim number and status. The text of cancelled or withdrawn claims should not be presented.

2. Markings in Currently Amended Claims Required

All claims *being currently amended* shall be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The changes in any amended claim should be shown by strikethrough (for deleted matter) or underlining (for added matter). No separate "clean" version should be submitted for currently amended claims, as this requirement has been eliminated. **Markings should only be made in claims being currently amended in an amendment paper.**

3. Only Clean Text Required for Other Claims Under Examination.

The text of pending claims *not being currently amended* that are under examination shall be presented in a clean version in the listing. Any claim presented in clean version constitutes an assertion that it has not been changed relative to the immediate prior version.

4. Status to Effect Claim Cancellation or Addition.

A claim may be cancelled by merely indicating the status of the claim as cancelled. Any new claim added by amendment must be indicated by the appropriate status identifier and shall not be underlined. Thus, added new claims of status (new), (reinstated - formerly claim #_) and (re-presented - formerly dependent claim #_) must be presented in clean version. Additional claims may be subject to additional fees, as appropriate.

5. When Grouping of Claims is Permitted.

Consecutive cancelled or withdrawn claims may be aggregated into one line of the listing (e.g. Claims 1 - 5 (cancelled)).

6. Use "Currently Amended" Status Where Applicable.

If any "previously reinstated" or "previously re-presented" claim is being amended, the status shall be indicated as "currently amended" with markings as indicated in paragraph A2, above. Multiple status identifiers should not be used for any single claim.

B. Status Identifiers that May be Used:

In order to promote uniformity and consistency, only the following eleven (11) defined status identifiers should be used to indicate the status of the claims (in parentheses after the claim number):

- | | |
|--|---|
| 1. (Original): | Claim filed with the application following the specification (i.e., not added by preliminary amendment). |
| 2. (Currently amended): | Claim being amended in the current amendment paper. |
| 3. (Previously amended): | Claim not being currently amended, but which was amended in a previous amendment paper. |
| 4. (Cancelled): | Claim cancelled or deleted from the application. |
| 5. (Withdrawn): | Claim still in the application, but in a non-elected status. |
| 6. (Previously added): | Claim added in an earlier amendment paper. |
| 7. (New): | Claim being added in the current amendment paper. |
| 8. (Reinstated - formerly claim # _): | Claim deleted in an earlier amendment paper, but re-presented with a new claim number in current amendment. |
| 9. (Previously reinstated): | Claim deleted in an earlier amendment and reinstated in an earlier amendment paper. |
| 10. (Re-presented - formerly dependent claim # _): | Dependent claim re-presented in independent form in current amendment paper. |
| 11. (Previously re-presented): | Dependent claim re-presented in independent form in an earlier amendment, but not currently amended. |

C. Example of Listing of Claims:

Claims 1-5 (cancelled)
 Claim 6 (withdrawn)
 Claim 7 (previously amended): A bucket with a handle.
 Claim 8 (currently amended): A bucket with a ~~green~~ blue handle.
 Claim 9 (withdrawn)
 Claim 10 (original): A bucket with a wooden handle.
 Claim 11 (cancelled)
 Claim 12 (new): A bucket with plastic sides and bottom.
 Claim 13 (previously added): A bucket having a circumferential upper lip.

Claim 14 (re-presented - formerly claim 11): A black bucket with a wooden handle.

IV. Amendments to the Specification

Amendments to the specification are to be made by presenting replacement paragraphs, sections or a substitute specification marked up to show changes made relative to the immediate prior version, as set out in 37 CFR 1.121(b). The changes should be shown by strikethrough (for deleted matter) or underlining (for added matter). No accompanying "clean" version shall be supplied. The amendments to the specification shall be presented only one time, and will not appear in successive amendment documents.

V. Amendments to the Drawings

Amendments to the drawing figures shall be made by presenting replacement figures which include the desired changes, without markings, and which comply with § 1.84. The changes shall be explained in the accompanying remarks section of the amendment paper. If the amended drawings are not approved, the applicant will be notified in the next Office action. Any amended drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even though only one figure may be amended. The figure number in the amended drawing should not be labeled as "amended."

For further information on the prototype image electronic processing of patent applications, please contact the Search and Information Resources Administration at: image.processing@uspto.gov. Any questions regarding the submission of amendments pursuant to the revised practice set forth in this notice should be directed to Elizabeth Dougherty (Elizabeth.Dougherty@uspto.gov), Gena Jones (Eugenia.Jones@uspto.gov) or Joe Narcavage (Joseph.Narcavage@uspto.gov). For information on the waiver or legal aspects of the program, please contact Jay Lucas (Jay.Lucas@uspto.gov) or Rob Clarke (Robert.Clarke@uspto.gov).

Date: 1/31/03

Signed: /s/
STEPHEN KUNIN
Deputy Commissioner for Patent
Examination Policy

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